

AGENDA ITEM #7
September 12, 2003

To: Delta Protection Commission

From: Margit Aramburu, Executive Director

Subject: Legislation Update
(For Commission Information Only)

The Legislature is scheduled to begin Interim Study Recess September 12, 2003. The last day for the Governor to sign or veto bills passed by the Legislature is October 12, 2003.

At the July 24, 2003 meeting of the Delta Protection Commission, the members voted to support four bills pending before the Legislature. The letters of support sent to the authors are attached. Also attached is the list of twelve bills the Commission actively tracked this year. Full text is available at www.leginfo.ca.gov.

The status of those bills as of September 10, 2003 is listed below:

AB 66 (Leslie) Riparian habitat: Adopt-A-Riverway Program. Would authorize the Department of Food and Agriculture to accept funds or services for maintenance or enhancement of defined state riverways; goal remove noxious weeds. Amended September 2, to provide that startup costs incurred by the State would be reimbursed to the General Fund as specified. No opposition in Senate; currently before Assembly for concurrence in Senate amendments.

AB 105 (Wiggins) Agriculture and Water Omnibus Act of 2003. The funding provisions approved by the Commission have not been amended, however, Senate amendments of 9/8/03 added the provisions of SB 654 (Machado) which was the Water Omnibus Act of 2003 committee bill, as amended in the Assembly 7/6/03. SB 654 has since been amended to be one of three vehicles for the Colorado River Quantification Settlement Agreement. The Water Omnibus Act bill, SB 654, has received no legislative opposition and appears to be non-controversial. The Commission did not act on the Omnibus bill and, therefore, amends the support recommendation to watch.

AB 1014 (Canciamilla) Vessels: abandonment. Would require the Department of Boating & Waterways (DBW) to recommend strategies to prevent vessels and boats from being abandoned: goal to reduce abandoned vessels. No legislative opposition; bill currently before the Governor for Action. DPC sent letter to Governor requesting signature; copy attached.

AB 1405 (Wolk and Harmon) California Watershed Protection and Restoration Act. This Act would establish the criteria for the State to recognize watershed restoration efforts undertaken voluntarily by local watershed partnerships. The intent is to promote participation in local watershed partnerships by all stakeholders. Recent amendments, 8/18/03, added technical, non-controversial MOU language. Senate passed measure on 9/3/03, 25-12. The bill will go before the Assembly for concurrence.

Approved legislation will take effect January 1, 2004; urgency measures take effect immediately upon signature.

The Legislature will reconvene the 2003/04 session on January 5, 2004.

Bill Folder: ALL BILLS
2003-09-10

12 bills in folder.

AB 66 (2003-2004) , Leslie: ASM (Version (amended sen) 2003-09-02)

Topic: Riparian habitat: Adopt-A-Riverway Program.

Last Action: In Assembly. Concurrence in Senate amendments pending. May be considered on or after September 11 pursuant to Assembly Rule 77. (2003-09-09)

Scheduled File: UNFINISHED BUSINESS CONCURRENCE IN SENATE
AMENDMENTS (Item # 26)

Position: Support

Folder(s): Bill_Folder

Notes: Bill_Folder

This bill would allow CA Department of Food & Agriculture (CDFA) to receive funds or services from any person to assist in a weed management area to implement an integrated weed management plan. Recent admentments, 9/2/03, provided that all startup costs incurred by the State in establishing the Program shall be reimbursed to the General Fund before any money or other proceeds in the Fund may be expended for Program purposes or transferred by grant award. VOTE: Senate Floor 9/4, 39-0. Currently before the Assembly for concurrence.

Digest Summary: Under existing law, the Department of Transportation controls state highways and associated properties, counties are responsible for county highways, and cities are responsible for city streets.

This bill would authorize the Department of Food and Agriculture to accept funds or services from any person, as defined, for maintenance or enhancement of a section of a state riverway, as defined, for purposes of operating a government-volunteer partnership Adopt-A-Riverway Program.

AB 105 (2003-2004) , Wiggins: ASM (Version (amended sen) 2003-09-08)

Topic: Agriculture and Water Omnibus Act of 2003.

Last Action: In Assembly. Concurrence in Senate amendments pending. May be considered on or after September 11 pursuant to Assembly Rule 77. (2003-09-09)

Scheduled File: UNFINISHED BUSINESS CONCURRENCE IN SENATE
AMENDMENTS (Item # 45)

Position: Watch

Folder(s): Bill_Folder

Notes: Bill_Folder

Last year's legislation, AB 52(Wiggins), created several agriculture land conservation programs, including the CA Environmental Quality Improvement Loan Program (CEQIRLP) and the CA Farmland conservation Program (CFPP). Because the CEQIRLP proposes to create a loan program rather than a grant program that is required for Proposition 40 funding and the CFPP duplicates existing programs, the governor eliminated the appropriation for these programs. This bill is necessary to repeal both programs and allow the correct funds to be appropriated. Because of the financial veto, these new programs now exist in statute, but with no funding. BILL AMENDED IN THE SENATE 9/8/03 to add provisions of SB654 (Machado), which was the Water Omnibus

Act of 2003 committee bill. The amendments to AB 105 seem to be necessary and non-controversial. However, DPC'S PREVIOUS SUPPORT RECOMMENDATION DOES NOT APPLY TO THIS BILL AS AMENDED. SUPPORT: American Farmland Trust, CA Farm Bureau Federation, DOC, and the Wine Institute. DF&A - No Position, no concerns. VOTES: Assembly Floor 6/3 = 72-2. After the Senate Floor vote, the bill will be sent to the Assembly for concurrence.

Digest Summary: (1) Existing law establishes the California Environmental Quality Improvement Revolving Loan Program within the Department of Conservation to provide loans to farmers to carry out practices approved for cost-share payments under the federal Environmental Quality Incentive Program.

This bill would repeal the provisions establishing that program.

AB 107 (2003-2004) , Corbett: SEN AGRICULTURE AND WATER RESOURCES (Version (amended sen) 2003-06-24)

Topic: Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002.

Last Action: In committee: Set, first hearing. Hearing canceled at the request of author. (2003-07-01)

Position: Watch

Folder(s): Bill_Folder

Notes: Bill_Folder

TWO YEAR BILL. Authors's office advises this bill seeks to ensure Northern California will receive "regional equity" of water and also ensures that the Prop. 50 funds committed to secure water sources against terrorist attack are spent equitable, and in a manner consistent with last year's bond act. DHS would be directed, in consultation with DWR and Gov's Homeland Security Office, to develop a process for awarding loans and grants. Proponents include members of a group of seven Bay Area water agencies that have joined together as the Bay Area Water Agency Coalition. The bill was sent to the Senate AG & Water Committee 7/1/03; the hearing was cancelled at the request of the author. Interested parties may negotiate amendments during interim. VOTE: Assembly Floor 6/4, = 67-6.

Digest Summary: The Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002, an initiative measure approved by the voters at the November 5, 2002, statewide general election, authorizes for the purposes of financing a safe drinking water, water quality, and water reliability program, the issuance of bonds in the amount of \$3,440,000,000.

This bill would require that the funds made available for these purposes are to be appropriated to the State Department of Health Services .

AB 944 (2003-2004) , Steinberg: SEN (Version (amended sen) 2003-09-03)

Topic: Parking and business improvement areas: benefit assessments.

Last Action: Read second time. To third reading. (2003-09-03)

Position: Watch

Folder(s): Bill_Folder

Notes: Bill_Folder

BILL GUTTED. Senate Floor Amendments of 9/3/03 delete the prior version and substitute Assembly Member Steinberg as the bill's author. Assemblywoman Mathews

will pursue her original legislation, Agricultural lands: local plans (AB944 as introduced), bill next year.

Digest Summary: This bill would also authorize the assessments to be levied for the purpose of making improvements and promoting activities of benefit to the businesses within the district.

AB 1014 (2003-2004) , Canciamilla: (Version (enrolled) 2003-08-28)

Topic: Vessels: abandonment.

Last Action: Enrolled and to the Governor at 2 p.m. (2003-09-08)

Position: Support

Folder(s): Bill_Folder

Notes: Bill_Folder

This bill would require the Department of Boating & Waterways (DBW) to recommend strategies to prevent the abandonment of recreational vessels and appoint an advisory committee to assist with the recommendations. Membership would include public and private interests. The author believes this would encourage owners to turn-in, rather than abandon, their boats and thereby would protect the environment and save funds. Local jurisdictions do not have a mechanism in place that allows them to accept and dispose of abandoned vessels and to be reimbursed for their costs in doing so. The Delta Protection Commission tracked a similar measure last year, AB 537 (Canciamilla); the bill died in committee. The Assembly Appropriations Committee estimates \$50,000 costs in FY 2004-05. ADMINISTRATION: No position. DB&W does not have an approved position, however, believes this bill is a necessary step to reduce abandoned vessels. SPONSOR: Recreational Boaters of California. SUPPORT: California State Sheriff's Association. VOTE: Senate Floor 8/25, 38-0; Assembly Concurrence 8/28, 75-0. ENROLLED AND TO GOVERNOR 9/8/03.

Digest Summary: Existing law prohibits any person from abandoning a vessel upon a public waterway or public or private property without the express or implied consent of the owner or person in lawful possession or control of the property, except as specified. This bill would require the Department of Boating and Waterways, on or before January 1, 2005, to submit recommendations to the Legislature on strategies to prevent recreational vessels from being abandoned and to facilitate the ability of owners to turn in their recreational vessels to public agencies for disposal in lieu of abandonment.

AB 1015 (2003-2004) , Laird: ASM (Version (amended asm) 2003-06-02)

Topic: Land use: water supply.

Last Action: (Corrected June 5.) (2003-06-09)

Anticipated File: ASM INACTIVE FILE (Item # A- 21) (2003-09-10)

Position: Watch

Folder(s): Bill_Folder

Notes: Bill_Folder

TWO YEAR BILL. This bill would make various legislative findings including full and early consideration of water supply information. The bill would require; 1) the land use element of a general plan include a statment of existing and planned sources of water supply; 2) cities or counties to consult with specified entities in the preparation of the water supply component; and 3) would authorize local gov'ts to recover costs through

imposed fees. Existing law requires cities and counties to prepare general plans for the community's future development, however, there is no requirement that the land use element of the general plan take water supply into account. The AG believes that land use planning and water supply planning needs to be connected directly in California's planning law. Opponents believe that the provisions of existing law are more than adequate to ensure that land use and water supply planning are being accomplished, and believe that adding another water verification provision at the general plan stage would open door to litigation and another tool for NIMBYs to stop needed infrastructure projects, including affordable housing. DWR has not received an approved position on the current version, however, believe this bill would promote water conservation.

SPONSOR: Attorney General. SUPPORT: East Bay Municipal Utility District (EBMUD); Natural Resources Defense Council; American Farmland Trust; Planning and Conservation League; Sierra Club. OPPOSITION: Association of California Water Agencies (ACWA); CA Building Industry Assoc., CA Chamber of Commerce; CA Building Industry Assoc.; Assoc. of Realtors. VOTE: Assb. Local Government 4/9 = 6-3; Assb. Water Parks & Wildlife 4/29 = 11-0; A.APP. 5/28 = 15-7. Status: Assembly Floor - not set.

Digest Summary: (1) Existing law requires a city or county general plan to include a specified land use element, requires the city or county to use a water agency's water management plan as a source document upon the adoption or revision of its general plan on or after January 1, 1996, and requires specified public water systems to provide certain information to the city or county planning agency upon notification of the proposed adoption or amendment of a general plan.

This bill would require the land use element of the general plan to include, by July 1, 2006, a statement of sources of water supply and potential sources, as specified.

AB 1405 (2003-2004) , Wolk and Harman: ASM APPROPRIATIONS (Version (amended sen) 2003-08-18)

Topic: California Watershed Protection and Restoration Act.

Last Action: Re-referred to Com. on APPR. pursuant to Assembly Rule 77.2. (2003-09-04)

Position: Support

Folder(s): Bill_Folder

Notes: Bill_Folder

This bill would propose a new State watershed policy. The author's office advises that approx. 400 local watershed groups and 150 watershed partnerships exist which involve several agencies. AB 2117 (Wayne, Chp. 735, Stats. of 2000) provided three watershed management projects and recommended the state adopt a formal statewide policy. This bill is reflective of those recommendations. The author believes this bill would promote participation in local watershed partnerships by all stakeholders, including local governments and establish a single set of guidelines for watershed management. CO-SPONSORS: Regional Council of Rural Counties and CA Watershed Network. SUPPORT: Yolo County; Solano County Water Agency. OPPOSE: Los Angeles and Orange Counties; East Bay MUD. Administration - No Position. DWR & DF&A - tracking. The recent amendments added non-technical MOU language. VOTE: Assembly

Floor 5/19, 78-0; Senate Floor 9/3, 25-12. Currently in Assembly Appropriations Committee for approval, then to Assembly Floor for concurrence.

Digest Summary: Existing law provides for a watershed protection program, and provides funds to assist in implementing watershed plans to reduce flooding, control erosion, improve water quality, and improve aquatic and terrestrial species habitats, to restore natural systems of groundwater recharge, native vegetation, waterflows, and riparian zones, to restore the beneficial uses of waters of the state in watersheds, and to provide matching funds for federal grant programs.

This bill would enact the California Watershed Protection and Restoration Act.

SB 21 (2003-2004) , Machado: SEN APPROPRIATIONS (Version (amended sen) 2003-06-02)

Topic: Water: Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002.

Last Action: From committee with author's amendments. Read second time. Amended. Re-referred to committee. (2003-06-02)

Position: Watch

Folder(s): Bill_Folder

Notes: Bill_Folder

TWO YEAR BILL. This bill would clarify the guidelines for administering grants/loans and the administration of various sections of Proposition 50. DWR estimates one-time costs of about \$769,000 and ongoing cost of \$395,00. No Administration position.

VOTE: Senate Env. Quality 5/12 = 5-0; S.APP. voted 5/22, 11-0 to send to Suspense File. Negotiations pending.

Digest Summary: (1) The Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002, an initiative measure approved by the voters at the November 5, 2002, statewide general election, authorizes the state to issue general obligation bonds in the amount of \$3,440,000,000 for the purposes of the act.

This bill would require various state agencies to establish guidelines for the purposes of implementing the act.

SB 86 (2003-2004) , Machado: ASM NATURAL RESOURCES (Version (amended sen) 2003-06-03)

Topic: Sacramento-San Joaquin Delta protection: resource management plan.

Last Action: To Com. on NAT. RES. (2003-06-09)

Position: Watch

Folder(s): Bill_Folder

Notes: Bill_Folder

TWO YEAR BILL. Previous version was identical to SB 1854, Machado, 2002. The Delta Protection Commission supported last year's measure with amendments. The current measure as amended 6/3, is a spot bill proposing minor amendments to the DPC. No SUPPORT/OPPOSITON on the current version. VOTE: Senate policy and

appropriation committee votes not relevant; Senate Floor 6/4 = 77-11. Two Year Bill.

Digest Summary: This bill would authorize, rather than require, the commission to appoint advisory committees, as necessary, for the purpose of providing timely comments, advice, and information.

SB 216 (2003-2004) , Sher: ASM (Version (amended asm) 2003-09-09)

Topic: Endangered species: recovery strategy pilot program.

Last Action: Read third time. Amended. To third reading. (2003-09-09)

Scheduled File: SENATE THIRD READING FILE (Item # 114)

Position: Watch

Folder(s): Bill_Folder

Notes: Bill_Folder

Recent amendments, 9/9/03, would require the Department of Fish and Game (DFG_ to seek private and federal funding for implementation of the coho salmon recovery strategy pilot program, and would prohibit any additional state funds from being used for the program until the Legislature appropriates funds for that purpose. DFG estimates that developing a recovery strategy for coho salmon could cost \$1.3 million next year, if funded. In addition, the bill would extend to 1/1/2009, the requirement that DFG develop and implement a recovery strategy pilot program for the Greater Sandhill Crane, which has been listed as a threatened species since 1983. DFG supports the extension to 2009; no position on remaining provisions. Senate Floor 6/4, 24-13. Assembly Floor vote scheduled 9/9 or 9/10, then to Senate for concurrence.

Digest Summary: This bill would repeal the authority of the commission to identify additional species for a recovery program.

SB 518 (2003-2004) , Escutia: SEN AGRICULTURE AND WATER RESOURCES (Version (amended sen) 2003-04-21)

Topic: Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002.

Last Action: Testimony taken. Hearing postponed by committee. (2003-04-22)

Position: Watch

Folder(s): Bill_Folder

Notes: Bill_Folder

TWO YEAR BILL. This bill proposes to ensure that urban areas and areas with special needs receive an equitable allocation of available funds. Defines "economically disadvantaged area" as an area with an annual median household income between \$37,000 and \$47,000 and an unemployment rate between 7 and 9, based on the most recent federal census. This bill creates a priority for funding through the CalFed Bay-Delta Program. SUPPORT: Central Basin Water Assoc.; South Montebello Irrigation District. VOTE: Only testimony taken at the 4/17 hearing.

Digest Summary: The Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002, an initiative measure approved by the voters at the November 5, 2002, statewide general election, authorizes, for the purposes of financing a safe drinking water, water quality, and water reliability program, the issuance of bonds in the amount of \$3,440,000,000.

This bill would require agencies required to carry out certain provisions of the act to consider adopting criteria that include a preference for projects that benefit those areas with the highest population density and that face water supply shortages because their domestic water wells are located within 500 feet of groundwater recharge areas, and projects that benefit severely economically disadvantaged areas , as defined, or economically disadvantaged areas , as defined, that will enhance environmental justice, if

those projects are otherwise eligible for assistance in accordance with the applicable requirements of the act.

SB 972 (2003-2004) , Denham: SEN (Version (introduced) 2003-02-21)

Topic: Noxious weeds.

Last Action: To Com. on RLS. (2003-03-13)

Position: Watch

Folder(s): Bill_Folder

Notes: Bill_Folder

TWO YEAR BILL. This is a spot bill. No hearings set.

Digest Summary: Existing law provides a noxious weed management program, and includes legislative findings and declarations concerning noxious weeds and their impacts.

This bill would make a nonsubstantive change in those provisions.

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